```
1
     Daniel P. Iannitelli - 203388
     FOTOUHI • EPPS • HILLGER • GILROY LLP
 2
     160 Pine Street, Suite 710
     San Francisco, CA 94111
 3
     Tel:
           415.362.9300
     Fax:
           415.358.5521
     Email: sfotouhi@fe-law.com
 4
     Email: diannitelli@fe-law.com
 5
     Attorneys for Plaintiff
     RANDALL SLOAN
 6
 7
 8
                             UNITED STATES DISTRICT COURT
 9
                            NORTHER DISTRICT OF CALIFORNIA
10
                                    OAKLAND DIVISION
11
     RANDALL J. SLOAN,
                                                 No. CV 08-1849 SBA
12
                  Plaintiff,
                                                 [PROPOSED] ORDER DENYING
                                                 DEFENDANT PFIZER, INC.'S MOTION
     VS.
13
                                                 TO TRANSFER VENUE
     PFIZER, INC., a Delaware corporation; and
     DOES 1 through 40, inclusive,
14
                                                 Date: July 29, 2008
                                                 Time: 1:00 p.m.
15
                                                 Place: Courtroom 3
                  Defendants.
                                                 Court: Hon. Saundra B. Armstrong
16
17
```

The Motion to Transfer Venue of defendant PFIZER, INC. came regularly for hearing before the Honorable Saundra Brown Armstrong, in Courtroom 3, on July 29, 2008, at 1:00 p.m. Mitchell F. Boomer appearing on behalf of defendant Pfizer, Inc. and Daniel P. Iannitelli appearing on behalf of Plaintiff Randall Sloan. After full consideration of the evidence, the written and oral submissions by the parties, the Court rules as follows:

18

19

20

21

22

23

24

25

26

27

28

Motions for transfer "lie within the broad discretion of the district court and are determined upon notions of convenience and fairness on a case-by-case basis." *In re Cuyahoga Equipment Corp.*, 980 F.2d 110, 117 (2d Cir. 1992). When deciding a motion to transfer venue, the Court generally accords "great deference" to Plaintiff's choice of forum, in addition to considering several other factors, including: (1) the relative convenience of the selected forum and proposed forum; (2) the possible hardship to the plaintiff if the court grants the motion; (3) the interests of justice; and (4) the deference to be accorded the plaintiffs' choice of forum."

<u>Jacobson v. Hughes Aircraft</u>, 105 F.3d 1288, 1302 (9th Cir. 1997). 1 2 While many of the witnesses and documents relevant to this matter are located in New 3 York, many others are also located in California. The remaining factors, however, favor 4 retaining this matter in California. Of great significance here is the relative burdens of the 5 parties, which favor the Plaintiff Advideo Inc. v. Kimel Broadcast, 727 F.Supp 1337 (N.D. Cal. 6 1989); Dwyer v. General Motors Corp., 853 F. Supp. 690, 693-94 (SD NY 1994). As an 7 individual with limited means and poor health, the burden on Plaintiff litigating this case in 8 New York outweighs that of Defendant, who, by contrast, is a large multinational corporation 9 with vast resources. Miracle v. NYP Holdings, Inc., 87 F.Supp.2d 1060 (D. HI 2000). 10 Furthermore, Plaintiff's claims arise under California law and California has a legitimate 11 interest in protecting is citizens. Van Dusen v. Barrack, 376 U.S. 612, 645 (1964). 12 For the foregoing reasons, Defendant's Motion to Transfer Venue is DENIED. 13 SO ORDERED: 14 15 Dated: , 2008 Saundra B. Armstrong 16 United States District Judge 17 18 19 20 21 22 23 24 25 26 27 28